

## REMARKS/ARGUMENTS

Claims 1-9 are cancelled without prejudice or disclaimer. New claims 10 – 19 are added, incorporating cancelled subject matter and subject matter found in the Specification. The Specification has been amended to correct typographical errors and to update information regarding pending application(s). Accordingly, no new matter is added.

In view of the above amendments and following remarks, reconsideration of this application for allowance is respectfully requested.

### Rejections under 35 U.S.C. §103

The Office Action rejects claims 1-5 under 35 U.S.C. §103(a) in view of Uribarri (U.S. Patent Publication No. 2005/0124249) and Relats et al. (U.S. Patent Publication No. 2002/0162364). This rejection is moot in view of the cancellation of these claims. However to the extent that this rejection may be asserted against Applicants' new claims, this rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, the PTO must satisfy three requirements. First, as the U.S. Supreme Court recently held in *KSR International Co. v. Teleflex Inc. et al.*, 127 S. Ct. 1727 (April 30, 2007), “a court must ask whether the improvement is more than the predictable use of prior art elements according to their established functions. ...it [may] be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. ...it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does... because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” (*id* at pp. 13-15.) Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *Amgen*

*Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991). Lastly, the prior art references must teach or suggest all the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496 (C.C.P.A. 1970).

Applicants' independent claim 10 recites: a method for the manufacture of protective tubes, comprising: obtaining a plurality of flat knitted fabric bands, comprising polyester threads via a Raschel flat type of loom; and shaping the flat knitted fabric bands so that longitudinal ends of each band join together and overlap, wherein the polyester threads of the flat knitted fabric are disposed in P-1 and P-2 comb linking structure in a three combs (P-1, P-2, and P-3) Raschel loom, wherein the overlap of the longitudinal ends are at least 50% of a tubular shape from which the protective tube is determined.

Uribarri is directed to a wiring sleeve fabrication method having a 25% overlap. However, it is respectfully submitted that notwithstanding Uribarri's disclosure, there is no mention or suggestion in Uribarri regarding at least the use of a Rashel loom, much less a P-1 and P-2 comb linking structure, as well as having at an overlap of ... at least 50% .., as recited in Applicants' independent claim 10.

Relats does not cure Uribarri's deficiencies. Relats discloses the use of a Rashel loom for sleeve fabrication. However, there is no disclosure or suggestion in Relats regarding at least the P-1 and P-2 comb linking structure, as well as having at an overlap of ... at least 50% ..., etc. Therefore, even if combined, the resulting combination would not anticipate or render obvious Applicants' claimed subject matter. In fact, the only reference to the claimed subject matter is found only in the Applicants' Specification.

Therefore, since neither Uribarri and Relats disclose or teach or even suggest all the elements recited in Applicants' independent claim 10, the withdrawal of this rejection is respectfully requested.

The Office Action rejects claims 3/1, 3/2 and 4 under 35 U.S.C. §103(a) in view of Uribarri, Relats and further in view of Relats et al. (European Patent Publication No. EP-0947621-A1, hereafter as "Relats II"). This rejection is moot in view of the cancellation of these

claims. However to the extent that this rejection may be asserted against Applicants' new claims, this rejection is respectfully traversed.

Relats II is solely limited to the temperature aspects asserted in the Office Action, and does not have any disclosure relating to the subject matter lacking in Uribarri and Relats, as discussed above.

Thus, even if combined, Uribarri, Relats, and Relats II, would disclose or render obvious Applicants' claimed subject matter. Thus, for at least the above reasons, the withdrawal of this rejection is respectfully requested.

The Office Action rejects claims 6 and 7 under 35 U.S.C. §103(a) in view of Uribarri, Relats and further in view of Pithouse et al. (U.S. Patent No. 4,631,098) or Manent et al (U.S. Patent No. 5,000,228). This rejection is moot in view of the cancellation of these claims. However to the extent that this rejection may be asserted against Applicants' new claims, this rejection is respectfully traversed.

Pithouse discloses heat-recoverable fibres and various means for cross-linking, etc. to control the recovery direction. Pithouse is asserted by the Office Action as teaching the use of resin in the fabric. However, Pithouse does not cure the deficiencies of Uribarri and Relats, as discussed above, as it too is silent about the missing subject matter. Similarly, Manent is asserted by the Office Action as teaching the use of silicone in the fabric. However, Manent is similarly deficient and does not cure the failings of Uribarri and Relats.

Accordingly, individually or in combination, Uribarri, Relats and with either Pithouse or Manent, do not disclose or render obvious Applicants' claimed subject matter. Thus, for at least the above reasons, the withdrawal of this rejection is respectfully requested.

The Office Action rejects claims 8 and 9 under 35 U.S.C. §103(a) in view of Uribarri, Relats and further in view of Krabec et al. (U.S. Patent No. 4,477,693) or Rockney et al. (U.S. Patent No. 6,649,828). This rejection is moot in view of the cancellation of these claims. However to the extent that this rejection may be asserted against Applicants' new claims, this

rejection is respectfully traversed.

Krabec and Rockney are brought in by the Office Action as disclosing the use of aluminium and/or polyester. Notwithstanding this assertion, it is readily apparent that neither Krabec and Rockney teach, suggest or disclose the subject matter found lacking in Uribarri and Relats as discussed above. Accordingly, individually or in combination, Uribarri, Relats and with either Krabec or Rockney, do not disclose or render obvious Applicants' claimed subject matter. Thus, for at least the above reasons, the withdrawal of this rejection is respectfully requested.

#### CONCLUSION

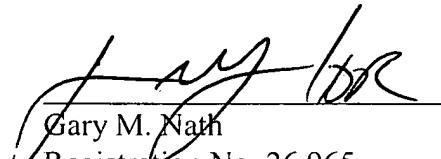
In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,

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